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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,085	11/14/2000	Bruce S. Williamson	KCX-224 (15065)	8779

7590 06/29/2004

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EXAMINER	
CINTINS, IVARS C	
ART UNIT	PAPER NUMBER
1724	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/712,085	WILLIAMSON ET AL.	
	Examiner	Art Unit	
	Ivars C. Cintins	1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5-8, 11-14, 17-20, 22-24 and 26-28 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Patrick et al. in view of May et al. As pointed out in the previous Office action, Patrick et al. discloses a filtration device comprising an unfiltered inlet surface, a plurality of concentric filter media layers which completely overlap and contact adjacent layers such that the edges of these layers are aligned in a common plane (see Fig. 2), and a perforated core. Accordingly, this primary reference discloses the claimed invention with the exception of the recited spirally wound layers. May et al. discloses constructing plural concentric filtration layers in the recited manner; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the concentric filtration layers of the primary reference device in the manner suggested by May et al., in order to ensure that these filtration layers do not separate from one another (see col. 2, lines 5-7 of May et al.).

Claims 9, 10, 21 and 25 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Patrick et al. in view of May et al. as applied above, and further in view of Hiasa et al. As pointed out in the previous Office action, the modified primary reference discloses the claimed invention with the exception of the recited activated carbon layer. Hiasa et al. teaches filtering water through a sheet of activated carbon fibers (see col. 6, lines 14-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the filtration device of the modified primary reference with a layer of activated carbon, as suggested

by Hiasa et al., in order to provide the water purification functions associated with activated carbon for the filtration device of this modified primary reference. Such a modification is deemed to be especially obvious in view of the disclosure by Patrick et al. (see col. 5, line 33) that the filtration device of this primary reference can include activated carbon.

Claims 3, 4, 15 and 16 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Patrick et al., May et al. and Hiasa et al. as applied above, and further in view of Pall et al. As pointed out in the previous Office action, the modified primary reference discloses the claimed invention with the exception of the recited charge-modified media. Pall et al. discloses a charge modified filtration media of the type recited, and teaches (see col. 2, lines 67-68) that this media has enhanced particulate removal efficiencies. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the filter of the modified primary reference with the charge modified filtration media of Pall et al., in order to obtain the advantages disclosed by this secondary reference for the filter of this modified primary reference.

Applicant's arguments filed April 2, 2004 have been noted and carefully considered but are not deemed to be persuasive of patentability. The bulk of Applicant's arguments presented in the above noted response are directed to why Applicant feels it would not have been obvious to provide the filter of May et al. with the perforated core of Patrick et al. These arguments, however, are no longer deemed to be relevant since the rejection based on May et al. in view of Patrick et al., advanced in the previous Office action (i.e. page 1, last full paragraph), is no longer relied upon.

As to the rejection based on Patrick et al. in view of May et al. (i.e. the paragraph bridging pages 1 and 2 of the previous Office action), Applicant argues that the filter of May et

al. is designed for an entirely different purpose than that of Patrick et al. May et al. relates to a filter for fuel, whereas Patrick et al. relates to a filter for removing microorganisms from water. It is pointed out, however, that since both references deal with filters having multiple wrapped layers, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the concentric filtration layers of Patrick et al. in the manner suggested by May et al., in order to ensure that these filtration layers do not separate from one another.

Applicant has stated that the dependent claims should be considered patentable for the same reasons that their parent claims should be considered patentable, and has further stated that "some or all of these claims may possess features that are independently patentable, regardless of the [patentability] of claims 1, 13 and 24." However, in the absence of specific arguments as to why the additional limitations contained in these dependent claims are sufficient to distinguish them over the references of record, the above statements are not deemed to be persuasive. In any event, Hiasa et al. teaches filtering water through a sheet of activated carbon fibers (col. 6, lines 14-15); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the filtration device of the modified primary reference with a layer of activated carbon, as suggested by Hiasa et al., in order to provide the water purification functions associated with activated carbon for the filtration device of this modified primary reference. Similarly, Pall et al. discloses a charge modified filtration media of the type recited, and teaches (col. 2, lines 67-68) that this media has enhanced particulate removal efficiencies; and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the filter of the modified primary reference with the charge modified filtration

media of Pall et al., in order to obtain the advantages disclosed by this secondary reference for the filter of this modified primary reference.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ivars Cintins

Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
June 26, 2004